

# **FISCAL NOTE**

## **HB 2307 - SB 2282**

March 21, 2005

**SUMMARY OF BILL:** Amends the standards for testing a person's lack of mental capacity that due to mental retardation or mental impairment related to a developmental disability such person is unable to make an informed decision and does not understand the procedure, its risks and benefits, or the alternatives of the test. Requires that the treatment include physical conditions and the treatment team include a physician, physician assistant or nurse practitioner when it considers the treatment of physical illness. Recognizes that persons found not guilty by reason of insanity (NGRI) have been evaluated and reduces the post-NGRI evaluation to 30 to 60 days.

### **ESTIMATED FISCAL IMPACT:**


**Increase State Expenditures – Not Significant**  
**Increase State Revenues – Not Significant**

Assumptions:

- The Regional Mental Health Institutes (RMHI) reduction in interdepartmental revenue would be offset by payments for pre-trial competency evaluations of persons waiting in the jails or for the earlier commitments of persons who have had shorter post-NGRI evaluations or under the current TennCare Partners.
- The potential savings in payments from within the Department of Mental Health and Developmental Disabilities to the RMHIs for forensic services would be offset by paying for the additional evaluations or commitments or by increasing the forensic rates to more approximate the actual costs at the RMHIs.

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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